

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Turner, Jr. *et al.* Group Art Unit: 1647
Application No.: 09/771,961 Examiner: F. M. Hamud
Filed: 01/29/01
Title: Novel Human Membrane Proteins and Polynucleotides Encoding the Same Atty. Docket No. LEX-0121-USA

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Box AF
Commissioner for Patents
Arlington, VA 22202

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner in the Final Office Action mailed on December 30, 2002 (Paper No. 10) finally rejecting claims 1 through 8.

The fee as required under 37 C.F.R. § 1.17(b) for filing this Notice of Appeal is \$160.00, and the Commissioner is hereby authorized to deduct this fee from Applicants' Representatives' Deposit Account No. 50-0892. Applicants believe no fees in addition to the fees for filing the Notice of Appeal are due in connection with this communication. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason related to this communication, the Commissioner is authorized to charge any underpayment or credit any overpayment to Lexicon Genetics Incorporated Deposit Account No. 50-0892.

Respectfully submitted,

March 28, 2003
Date

Lance K. Ishimoto by David W. Hamud
Lance K. Ishimoto Reg. No. 41,866
Agent For Applicants

DAVID W. HAMUD
REG. NO. 41,071

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LEXICON GENETICS INCORPORATED
(281) 863-3333



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PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/771,961	
	Filing Date	01/29/01	
	First Named Inventor	Turner, Jr.	
	Group Art Unit	1647	
	Examiner Name	F. M. Hamud	
Total Number of Pages in This Submission	4	Attorney Docket Number	LEX-0121-USA

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ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): return postcard
<div>Remarks</div> <div> 24231 PATENT TRADEMARK OFFICE</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lance K. Ishimoto Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	<i>Lance K. Ishimoto by David W. Hieber</i> DAVID W. HIEBER REG. NO. 41,071
Date	March 28, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Box AF, P.O. Box 2327, Arlington, VA 22202 on this date: March 28, 2003			
Typed or printed name	Nancy Stacey		
Signature	<i>Nancy Stacey</i>	Date	March 28, 2003

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FEE TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/771,961
		Filing Date	01/29/01
		First Named Inventor	Turner, Jr.
		Examiner Name	F. M. Hammud
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Group Art Unit	1647
TOTAL AMOUNT OF PAYMENT		Attorney Docket No.	LEX-0121-USA
(\$)		160.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																						
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unavoidable</td></tr><tr><td>1453</td><td>1,280</td><td>2453</td><td>640</td><td>Petition to revive - unintentional</td></tr><tr><td>1501</td><td>1,280</td><td>2501</td><td>640</td><td>Utility issue fee (or reissue)</td></tr><tr><td>1502</td><td>460</td><td>2502</td><td>230</td><td>Design issue fee</td></tr><tr><td>1503</td><td>620</td><td>2503</td><td>310</td><td>Plant issue fee</td></tr><tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr><tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr><tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>1809</td><td>740</td><td>2809</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>1810</td><td>740</td><td>2810</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>1801</td><td>740</td><td>2801</td><td>370</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="4">Other fee (specify) _____</td></tr><tr><td colspan="4">Fee Paid</td></tr><tr><td colspan="4">APR 04 2003</td></tr><tr><td colspan="4">160.00</td></tr></tbody></table>		Large Entity		Small Entity		Fee Description	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Lance K. Ishimoto	Registration No. (Attorney/Agent)	41,866
Signature	<i>Lance K. Ishimoto by David W. Haber</i>	Telephone	(281) 863-3333
	DAVID W. HABER Reg. No. 41,071	Date	March 28, 2003

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